

UNITED STATES BANKRUPTCY COURT FOR THE  
EASTERN DISTRICT OF WISCONSIN

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IN RE  
Mario C. Malacara

Debtor.

Chapter: 13

Case No. 17-22587-gmh

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**ORDER PURSUANT TO HEARING UPON U.S. BANK TRUST NATIONAL ASSOCIATION AS  
TRUSTEE FOR BRACKENRIDGE MORTGAGE TRUST'S MOTION FOR RELIEF FROM  
THE AUTOMATIC STAY AND, IF APPLICABLE, RELIEF FROM CO-DEBTOR STAY**

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Pursuant to the motion for relief from the automatic stay and, if applicable, relief from co-debtor stay of U.S. Bank Trust National Association as trustee for Brackenridge Mortgage Trust (hereinafter "the movant") with respect to the property located at 2841 S Logan Ave, Milwaukee, WI 53207-2215, this matter was heard on July 12, 2022, the movant appearing through its counsel, Gray & Associates, L.L.P., by Christopher C. Drout, and the debtor appearing through Esser Law LLC, by Todd Esser, and Judith DuSell appearing on behalf of the Chapter 13 trustee and upon the arguments and statements of counsel and all the files, records and proceedings herein,

IT IS HEREBY ORDERED that the motion is denied to the extent it seeks the termination of the automatic stay, but is granted to the limited extent to give effect to the following terms and conditions.

Drafted by:

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IT IS FURTHER ORDERED that the movant may file a supplemental claim for the post-petition arrearage which exists through the end of July 2022 in the amount of \$20,655.14. The arrearage is itemized as follows:

11/1/21 through 5/1/22	\$16,489.48
7 mortgage payments @ \$2,355.64	
6/1/22 through 7/1/22	3,731.12
2 mortgage payments @ \$1,865.56	
Credits / Suspense	(803.46)
Attorney Fees and Costs	<u>1,238.00</u>
TOTAL ARREARAGE	<u>\$20,655.14</u>

IT IS FURTHER ORDERED that commencing in August 2022 and continuing through and including January 2023, the debtor shall make all monthly mortgage payments to the movant in sufficient time to be received on or before the 16th day of each month in which each such payment is due. In the event any such payment is not received in a timely manner, the movant, its servicing agent or its counsel may submit an affidavit of default and proposed order for immediate relief from the automatic stay to the court for signature. This is a Doomsday Order under this Court's Uniform Procedure for Doomsday Orders; it incorporates and is subject to the Uniform Procedure for Doomsday Orders.

IT IS FURTHER ORDERED that commencing in February 2023, the debtor shall make all monthly mortgage payments to the movant in sufficient time to be received on or before the 16th day of each month in which each such payment is due. In the event any such payment is not received in a timely manner, counsel for the movant may request by letter another hearing upon the motion for relief from the automatic stay.

IT IS FURTHER ORDERED that relief from the co-debtor stay pursuant to 11 U.S.C. § 1301 shall be effective concurrent when the automatic stay no longer applies to the movant and its interest in the property.

IT IS FURTHER ORDERED that pending further notice, the amount of the monthly mortgage payment is \$1,865.56 and payments shall be made to the movant at Rushmore Loan Management Services LLC, P.O. Box 52708, Irvine, CA 92619-2708.

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